

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Sean Zeigler,

Plaintiff,

v.

Case No. 1:18cv580

Warden, Lebanon Correctional Institution,

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on December 5, 2023 (Doc. 48).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties may forfeit rights on appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 48) have been filed and the time to do so has expired.

Accordingly, it is **ORDERED** that the R&R (Doc. 48) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the instant Motion for Relief from Judgment (Doc. 47) is denied. Because reasonable jurists would not disagree with this conclusion, the Petitioner is denied a certificate of appealability, and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge

United States District Court